

**DURHAM, NORTH CAROLINA
MONDAY, AUGUST 21, 2000
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Absent: Council Members Blyth and Burnette.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk D. Ann Gray and Acting Deputy City Clerk Linda Bratcher.

Mayor Tennyson called the meeting to order and at that time he asked for priority items from the City Manager, City Attorney and City Clerk. Relative to Consent Item #8 [GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND SERIES 2000B], City Manager P. Lamont Ewell recognized Nav Gill, Finance Director, who noted that the State Treasurer's Office requested that the bond sale be postponed until September 6, 2000.

There were no priority items from the City Attorney and City Clerk.

Council Member McKissick read a resolution honoring Evelyn W. McKissick, his mother.

Mayor Tennyson noted revisions to the Consent Agenda made at the Committee-of-the-Whole Meeting. Mayor Tennyson asked if any citizen(s) or council member(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting.

The following items were pulled from the Consent Agenda: Item 3 [MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY, THE U. S. DEPARTMENT OF VETERANS' AFFAIRS, AND LCOR INC.], Item 20 [REPORT FROM THE MANAGER'S BICYCLE TASK FORCE] and Item 24 [PROPOSED EMINENT DOMAIN PROCEEDING FOR ACQUISITION OF PROPERTY FOR THE REALIGNMENT OF CORCORAN STREET - RONNIE STURDIVANT - 200 NORTH CORCORAN STREET].

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the Consent Agenda as amended was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

[CONSENT AGENDA]

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SUBJECT: HUMAN RELATIONS COMMISSION - APPOINTMENTS

MOTION by Council Member Larson seconded by Council Member Jacobs to reappoint Yvonne S. Dunlap and to appoint Jeffrey M. Elliott, Harvey Lee McMurray and Charlie H. Smith to the Human Relations Commission for three-year terms to expire June 30, 2003 was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: POLICE DEPARTMENT'S QUARTERLY REPORT FOR SECOND CALENDAR QUARTER 2000

MOTION by Council Member Larson seconded by Council Member Jacobs to receive the Police Department's Quarterly Report for Second Calendar Quarter 2000 was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: FISCAL YEAR 2000-2001 SUBRECIPIENT AGREEMENT - GOOD WORK, INC. - \$89,000

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a Subrecipient Agreement between the City of Durham and Good Work, Inc. for an amount not to exceed \$89,000 (\$67,000 Community Development Block Grant Fund and \$22,000 General Fund) was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: MODIFICATION OF WEST END HOMEOWNERSHIP 4 PROJECT - COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME FUNDED - DURHAM COMMUNITY LAND TRUSTEES, INC.

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute amendments to the Community Housing Development Organization Loan Agreement, Builder Participation Agreement, and related documents executed on November 30, 1998 or thereafter between the City of Durham and the

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Durham Community Land Trustees, Inc. was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: SUBRECIPIENT GRANT AGREEMENT WITH DEVELOPMENT VENTURES, INC. FOR SECTION 8 ORIENTATION TRAINING MATERIAL - COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS - HOUSING AND URBAN DEVELOPMENT (HUD) - \$27,100

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a Subrecipient Agreement with Development Ventures, Inc., in an amount not to exceed \$27,100 from Community Development Block Grant (CDBG) funds; and to make minor changes to the Subrecipient Grant Agreement as are consistent with the grant terms and CDBG requirements as published by Housing and Urban Development (HUD) was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: PRELIMINARY APPROVAL FOR SPECIAL NEEDS RENTAL HOUSING AT OR BELOW 25% OF THE AREA MEDIAN INCOME - NEW DIRECTIONS FOR DOWNTOWN, INC. AND TRIANGLE RESIDENTIAL OPTIONS FOR SUBSTANCE ABUSERS (TROSA) HOUSING, INC.

MOTION by Council Member Larson seconded by Council Member Jacobs to approve preliminary allocations of 1996 Housing Bond funds in an aggregate amount not to exceed \$400,000 to 1) New Directions for Downtown, Inc. (\$123,300), and 2) Triangle Residential Options for Substance Abusers (TROSA) Housing, Inc. (\$276,700), subject to negotiation of financing terms and development of loan documentation for City Council consideration at a later date was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS SERIES 2000B

MOTION by Council Member Larson seconded by Council Member Jacobs

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to adopt a "Resolution Providing for the Issuance of \$16,910,000 General Obligation Public Improvement Bonds, Series 2000B" was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

Resolution #8698

SUBJECT: ELECTRIC UTILITY DEREGULATION STRANDED COSTS

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a report from the administration concerning stranded cost recovery after deregulation of the electric utility industry was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: PROPOSED LEASE AGREEMENT WITH DURHAM CENTRAL PARK, INC. FOR DEVELOPMENT OF THE GRACE GARDEN - RONEY STREET

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a Lease Agreement with Durham Central Park, Inc. for the lease of three lots on Roney Street (a segment of the Durham Central Park site) for construction of the Grace Garden was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: PROPOSED SUBLEASE CONSENT AGREEMENT BETWEEN BELL SOUTH PCS, L.P. AND THE CITY OF DURHAM - 6605 FARRINGTON ROAD

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a Sublease Consent Agreement between the City of Durham and BellSouth PCS, L.P. to transfer/sublease management and marketing of the communication facility located at 6605 Farrington Road from BellSouth PCS, L.P. to Crown Castle South, Inc. was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement

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and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: RESOLUTION MEMORIALIZING MR. TIMOTHY J. HARRELL

MOTION by Council Member Larson seconded by Council Member Jacobs to direct the City Clerk to draft a resolution memorializing Mr. Timothy J. Harrell who, amongst other things, served on the Planning Commission was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: DURHAM HOUSING AUTHORITY'S ANNUAL REPORT

MOTION by Council Member Larson seconded by Council Member Jacobs to receive the Durham Housing Authority's Annual Report was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: DURHAM BOARD OF ADJUSTMENT - APPOINTMENTS

MOTION by Council Member Larson seconded by Council Member Jacobs to appoint James W. Edney, III and Selina W. Mack, Regular Members, and Kristen Rosselli, Alternate Member, to the Durham Board of Adjustment for terms to expire June 30, 2003 was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: RECREATION ADVISORY COMMITTEE - REAPPOINTMENT

MOTION by Council Member Larson seconded by Council Member Jacobs to reappoint Donna Lou Dyer to the Recreation Advisory Committee for a term to expire August 8, 2003 was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley,

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Larson, McKissick, Stith and Wagstaff. Noes: None. Absent:
Council Members Blyth and Burnette.

SUBJECT: CITIZENS ADVISORY COMMITTEE - APPOINTMENTS

MOTION by Council Member Larson seconded by Council Member Jacobs to appoint Kennedy Godette (term to expire June 30, 2002) and Mary Lou Monk and James M. Reingruber (terms to expire June 30, 2001) to the Citizens Advisory Committee was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: ENVIRONMENTAL AFFAIRS BOARD - APPOINTMENTS

MOTION by Council Member Larson seconded by Council Member Jacobs to reappoint Joseph B. Jackson (representing Water Resources) and appoint Judy Kincaid (representing Solid Waste) to the Environmental Affairs Board for three-year terms to expire June 1, 2003 was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: RECREATION ADVISORY COMMITTEE - APPOINTMENTS

MOTION by Council Member Larson seconded by Council Member Jacobs to reappoint Susan E. Foster-Johnson, Shirley Harper, and Sydney A. Rose to the Recreation Advisory Committee for three-year terms to expire August 8, 2003 was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: SITE PLAN - SUMITOMO ELECTRIC BUILDING C - 2000 EXPANSION

MOTION by Council Member Larson seconded by Council Member Jacobs to approve a site plan for Sumitomo Electric Building C -2000 Expansion, submitted by O'BrienAtkins, on behalf of Sumitomo

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Electric, Inc., consisting of a 91,000 square foot manufacturing facility expansion to an existing 381,985 square foot office, manufacturing and warehouse complex, including addition of 81 parking spaces on a ±119.28 acre site zoned I-2, RAD and MTC and located on the northwest corner of the intersection of TW Alexander Drive and I-40 and also extends to Alston Avenue (Tax Maps #545-1-9, 10, 11; PIN#s 0738-01-45-3568, 0738-02-55-7600 and 0738-03-44-5487) was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: INTERIM LICENSE AGREEMENT WITH PF.NET NETWORK SERVICES CORPORATION

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute an Interim License Agreement with PF.Net Network Services Corporation to install a conduit and fiber optics cable in the City's rights of way was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: N. C. DEPARTMENT OF TRANSPORTATION SMALL URBAN PROGRAM PROJECT PRIORITY LIST

MOTION by Council Member Larson seconded by Council Member Jacobs to endorse the priority ordered list of Proposed Small Urban Program Projects provided in Table 2; and

To direct the administration to forward the list to the Division 5 Board of Transportation Member for funding consideration was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: CONTRACT ST-210 - STREET RESURFACING - REA CONSTRUCTION

MOTION by Council Member Larson seconded by Council Member Jacobs

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to adopt a "City of Durham Grant Project Ordinance Superseding Ordinance #11197 Community Development Block Grant FY 1997-98"; and

To adopt a "City of Durham Grant Project Ordinance Superseding Ordinance #11465 Community Development Block Grant FY 1998-99"; and

To authorize the City Manager to execute a contract with REA Construction for street resurfacing--Contract ST-210; and

To authorize the expenditure of up to \$400,000 from the Community Development Account for Contract ST-210; and

To authorize the expenditure of up to \$124,309 from the Community Development Account for contract additions was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

Ordinance #12041

Ordinance #12042

SUBJECT: CONSTRUCTION CONTRACT FOR PHASE 1 OF THE WEST ELLERBEE CREEK TRAIL - HOLMES CONTRACTING, INC.

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a contract with Holmes Contracting, Inc. in the amount of \$169,606 for the construction of the first phase of the West Ellerbee Creek Trail and to approve expenditures not to exceed \$195,000 which includes the contract and a project contingency was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: BURIAL OF MRS. SARAH M. FIKES - BEECHWOOD CEMETERY

MOTION by Council Member Larson seconded by Council Member Jacobs to express City Council's deepest regrets for the City's error in the burial of Mrs. Sarah M. Fikes in the wrong plot; to confirm staff's offer to cover all costs associated with the disinterment and reinterment; and, to offer to cover reasonable legal cost for

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an independent interpretation of North Carolina General Statutes 14-149 was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: CITY OF DURHAM SPEED HUMP POLICY

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an amended "City of Durham Speed Hump Policy" was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: STOP SIGNS - GRANDALE PLACE SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

- 1) Grandover Drive at Grandale Road, southwest corner;
- 2) Grandhaven Drive at Grandover Drive, southeast corner;
- 3) Grandhaven Drive at Grandover Drive, northwest corner; and
- 4) Lakedale Drive at Grandover Drive, northwest corner.

Ordinance #12033

SUBJECT: STOP SIGNS - PAGEMORE SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

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- 1) Pagemore Lane at Page Road, south corner; and
- 2) Folleto Court at Pagemore Lane, northwest corner.

Ordinance #12034

SUBJECT: STOP SIGNS - PRESIDENTIAL DRIVE

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of a stop sign on Presidential Drive at T. W. Alexander Drive, northwest corner was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

Ordinance #12035

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMITS - DE MILLE STREET

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance to repeal Ordinance #11976, adopted June 5, 2000, establishing a 25 mile per hour speed limit on De Mille Street from Glenbrook Drive to the end of De Mille Street; and

To adopt an ordinance to establish a 25 mile per hour speed limit on De Mille Street from Hinson Drive to the end of De Mille Street was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

Ordinance #12036

Ordinance #12037

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMITS - QUARTZ DRIVE

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance establishing a 25 mile per hour speed limit on Quartz Drive from Sapphire Drive to Thornwood Drive was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and

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Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

Ordinance #12038

[GENERAL BUSINESS AGENDA]

(PUBLIC HEARINGS)

SUBJECT: SEWER MAIN ON HARDEE STREET - FROM CHEEK ROAD TO SOUTH PROPERTY LINE OF TAX MAP 353-1-5

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Wagstaff to adopt a resolution confirming the assessment roll for sewer main on Hardee Street from Cheek Road to south property line of Tax Map 353-1-5 was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: WATER MAIN ON HARDEE STREET - FROM CHEEK ROAD TO NAPLES PLACE

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Wagstaff to adopt a resolution confirming the assessment roll for water main on Hardee Street from Cheek Road to Naples Place was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: SEWER MAIN ON INLET AVENUE - FROM JUNCTION ROAD TO

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HARVEST STREET

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution confirming the assessment roll for sewer main on Inlet Avenue from Junction Road to Harvest Street was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: SEWER MAIN ON ELLIS ROAD - FROM ELLIS ROAD OUTFALL TO NORTH PROPERTY LINE OF TAX MAP 563-1-1

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt a resolution confirming the assessment roll for sewer main on Ellis Road from Ellis Road Outfall to north property line of Tax Map 563-1-1 was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: WATER MAIN ON JOYNER ROAD - FROM GEER STREET TO BEAUFORD ROAD

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution confirming the assessment roll for water main on Joyner Road from Geer Street to Beauford Road was approved at 7:14 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor

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Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: WATER MAIN ON NANCY RHODES DRIVE - FROM COLE MILL ROAD TO NORTH PROPERTY LINE OF TAX MAP 767-1-19

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt a resolution confirming the assessment roll for water main on Nancy Rhodes Drive from Cole Mill Road to north property line of Tax Map 767-1-19 was approved at 7:14 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: WATER MAIN ON TOMAHAWK TRAIL - FROM SANDLEWOOD DRIVE TO SMITH DRIVE; CHEROKEE COURT FROM TOMAHAWK TRAIL TO CUL-DE-SAC AND PAWNEE COURT FROM TOMAHAWK TRAIL TO CUL-DE-SAC

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution confirming the assessment roll for water main on Tomahawk Trail from Sandlewood Drive to Smith Drive; Cherokee Court from Tomahawk Trail to Cul-de-sac and Pawnee Court from Tomahawk Trail to Cul-de-sac was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: SEWER MAIN ON PICKETT ROAD - FROM COLONY ROAD TO U.S. 15-501 BYPASS

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As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt a resolution confirming the assessment roll for sewer main on Pickett Road from Colony Road to U.S. 15-501 Bypass was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: WATER MAIN ON COOK ROAD - FROM JULIETTE DRIVE TO HARMONY ROAD AND HARMONY ROAD FROM COOK ROAD TO WEST PROPERTY LINE OF TAX MAP 518-5-27

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt a resolution ordering water main improvements on Cook Road from Juliette Drive to Harmony Road and Harmony Road from Cook Road to west property line of Tax Map 518-5-27 was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: WATER MAIN ON VALMET DRIVE - FROM FREEMAN ROAD TO DANIEL ROAD

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt a resolution ordering water main improvements on Valmet Drive from Freeman Road to Daniel Road was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro

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Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: CURB, GUTTER AND PAVING, SEWER MAIN AND WATER AND SEWER LATERALS ON DIAL DRIVE - FROM S. ALSTON AVENUE TO EAST PROPERTY LINE OF TAX MAP 555-11-16

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Stith to adopt a resolution ordering curb, gutter and paving, sewer main and water and sewer laterals on Dial Drive from S. Alston Avenue to east property line of Tax Map 555-11-16 was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: SEWER MAIN ON NORTH WOODCREST STREET FROM ROCHELLE STREET TO SOUTH PROPERTY LINE OF TAX MAP 378-2-3A UNDER THE ENABLING ACT AUTHORITY

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt a resolution ordering sewer main on North Woodcrest Street from Rochelle Street to south property line of Tax Map 378-2-3A under the Enabling Act Authority was approved at 7:17 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: STORM WATER UTILITY ORDINANCE AMENDMENTS

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no

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objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to receive citizens' comments concerning proposed amendments to the Storm Water Utility Ordinance; and

To adopt "An Ordinance Amending the Durham Storm Water Utility Ordinance" was approved at 7:17 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

Ordinance #12039

SUBJECT: STREET CLOSING - UTICA STREET (SC00-2)

To receive citizens' comments concerning the closing of 172± linear feet (9,062± square feet of Utica Street on the west side of Alabama Street that extends between two residential lots.

To adopt the "City of Durham Order Permanently Closing 172± Linear Feet (9,062± square feet of Utica Street."

Norman Standerfer, City/County Planning Department, noted that this item was not properly advertised and requested that the public hearing be continued to September 5, 2000.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to continue the public hearing with advertising to the September 5, 2000 City Council Meeting was approved at 7:18 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

[ZONING MATTERS]

**SUBJECT: ZONING CASE: P99-81 - RIATA DEVELOPMENT, LLC (RAVINIA)
- 122.82 ACRES ON THE NORTH SIDE OF THE I-40 AND NC 751
INTERCHANGE**

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CASE: P99-81

Applicant: Riata Development, LLC (Ravinia)

Location: 122.82 acres on the north side of the I-40 and NC 751 interchange

Request: Rezoning from R-20 (Residential 20 District) to RM-20(D) (Multifamily Residential District with maximum of 20 dwelling units per acre and a Development Plan), OI-2(D) (General Office and Institutional District with a Development Plan) and NC(D) (Neighborhood Commercial District with a Development Plan); F/J-B and MTC (partial)

Zoning Committee's Recommendation and Vote: Approval (7-0)

Planning Department's Recommendation: Approval

Norman Standerfer, City/County Planning Director, briefed Council on the staff report noting minor amendments were made to the original plan and this proposal is consistent with the Small Area Adopted Plan.

City Manager P. Lamont Ewell commented about the City's goal of increasing homeownership. He noted the City has a low percentage and he has asked the developer to commit some the units for that purpose.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponent

Attorney Jack Markham, representing the developer, spoke in support of the rezoning request noting that the developer has made a commitment to preserve trees, is committed to traffic improvements at NC751/NC54 along with other developers and is committed to continue to work with the City to accomplish the Garrett Road extension.

No one spoke in opposition to the request.

Mayor Tennyson declared the public hearing closed.

Council Member Edwards asked if there would be a tot lot.

Attorney Jack Markham replied, yes. He stated that the location would be determined at a later date.

Council Member McKissick asked if there would be two tot lots.

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Attorney Jack Markham replied, yes.

Council Member McKissick asked for clarity on the transportation improvements.

Al Williford, representing the applicant, noted that the developer has agreed to do everything that has been asked with the exception of seeking a way to get the Garrett Road extension built.

Council Member McKissick asked Earl Lewellyn, of the Transportation Division, if he reviewed the notes on the development plan and are there any issues left unresolved.

Earl Lewellyn, of the Transportation Division, noted that he has reviewed them and that the Garrett Road Extension is the only issue.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as RM-20(D), OI-2(D) and NC(D); F/J-B and MTC (partial) was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: ZONING CASE: P00-19 - NORTH PAW ANIMAL HOSPITAL - 1.48 ACRES ON THE SOUTH SIDE OF REDMOND DRIVE, EAST OF GUESS ROAD (TAX MAP #823-1-1)

CASE: P00-19

Applicant: North Paw Animal Hospital

Location: 1.48 acres on the south side of Redmond Drive, east of Guess Road (Tax Map #823-1-1)

Request: Rezoning from NC (Neighborhood Commercial District) and R-20 (Residential 20 District) to NC(D) (Neighborhood Commercial District with a Development Plan) and R-20(D) (Residential 20 District with a Development Plan); E-B

Zoning Committee's Recommendation and Vote: Approval (7-0)

Planning Department's Recommendation: Approval

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Norman Standerfer, City/County Planning Department, noted that this request is back because of adjustments made to the parking design and that staff recommends approval.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponent

Doug Griffin, representing applicant, spoke in support of the rezoning request.

No one spoke in opposition to the request.

Mayor Tennyson declared the public hearing closed.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of NC and R-20 and placing same in and establishing same as NC(D) and R-20(D) was approved at 7:38 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: CASE M00-2: A MAJOR SPECIAL USE PERMIT FOR EXPANSION OF A PUBLIC UTILITY FACILITY (WITHOUT OUTDOOR STORAGE) IN A RESIDENTIAL ZONE, 6605 FARRINGTON ROAD (TAX MAP #499-1-6; PIN #0708-04-64-2060) (APPLICANT: RL HORVATH ASSOCIATES, INC. FOR GTE SOUTH INCORPORATED)

Recommendation: Hold the public hearing and evaluate the evidence presented. The Planning staff will make a recommendation after the hearing of this case. After the hearing, one of these two motions is in order:

Motion A: (Approval With or Without Conditions) - To direct the Planning Director to prepare a decision granting with conditions the Use Permit in Case M00-2. (Council should identify any conditions they wish to incorporate into their approval. Staff will prepare the decision for Council for action)

Motion B: (Disapproval) - To direct the Planning Director to prepare a decision denying the Use Permit in Case M00-2. (Council should identify the findings they are unable to make so these can

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be incorporated into the decision. Staff will prepare the decision for Council's next meeting for action).

City Clerk D. Ann Gray swore in the following individuals: Norman Standerfer, Helen Youngblood and Ron Horvath.

Mayor Tennyson explained the proceedings for a major special use permit hearing.

The Mayor asked Council to reveal any possible conflicts and to withdraw from this hearing if necessary.

Mayor Tennyson disclosed that he lives less than 300 feet from the proposed expansion of facility, but does not view this as a conflict.

Also, Mayor Tennyson asked if any Council Member had been exposed to any evidence or information that may not come out at the hearing tonight.

Ron Horvath identified himself as a representative for GTE South.

Mayor Tennyson opened the public hearing.

Testimony from Staff

Norman Standerfer, City/County Planning Director, briefed Council on the staff report and requested the staff report, attachments and exhibits be entered as evidence and staff recommends approval.

The Mayor asked if there were questions for staff.

There were no questions.

Mayor Tennyson noted that the staff report be submitted as evidence.

Testimony from Applicant

Ron Horvath, representing the applicant, spoke in support of the major special use permit, noting that the development is in compliance with the ordinance, will not affect the health and safety of the general public and is a minimum impact facility.

The Mayor asked if there were questions for Ron Horvath, representing the applicant.

There were no questions and no one spoke in opposition to the

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request.

City Attorney Henry Blinder made comments about the recent name change of GTE to Verizon.

The Mayor asked Council Members if they had any questions.

Council Member McKissick commented on the omission of specific references, asked if the order is adequate that is being proposed and what does 4A.4.4(10) address.

Helen Youngblood noted that it's part of the site plan approval context maps and staff report. She stated that the order references supplemental sections and specific sections for considerations for a major special use permit.

Council Member McKissick asked City Attorney Henry Blinder if this was adequate.

Mayor Tennyson noted that the City Attorney stated that he is comfortable with the order.

Mayor Tennyson declared the public hearing closed.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Larson to approve an order granting, upon certain conditions, a Major Special Use Permit for GTE on 6605 Old Farrington Road [expansion of a public utility facility in a residential zone without outside storage] was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

Ordinance #12040

[SUPPLEMENTAL AGENDA]

SUBJECT: PROPOSED ACQUISITION OF PROPERTY LOCATED AT 400 CLEVELAND STREET, TAX MAP #123-12-001 - PUBLIC SERVICE COMPANY OF NORTH CAROLINA

Nav Gill, Finance Director, made comments about this item and requested Council to add an additional motion to adopt an ordinance concerning the General Capital Improvement Projects.

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Mayor Pro Tempore Clement spoke in support of this item.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to ratify the submittal of a Sealed Bid Agreement of Sale and Purchase with Public Service Company of North Carolina in the amount of \$800,000 to acquire the property at 400 Cleveland Street; and

To authorize the City Manager to execute any documents that may be required in connection with the acquisition of this property; and

To adopt an Ordinance amending Ordinance #12010 Concerning General Capital Improvements Project, as amended, was approved at 7:56 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

Ordinance #12054

[ITEMS PULLED FROM THE CONSENT AGENDA]

SUBJECT: MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY, THE U. S. DEPARTMENT OF VETERANS' AFFAIRS, AND LCOR INC.

To authorize the City Manager to execute the proposed Memorandum of Understanding between the City, the VA, and LCOR Inc. regarding development on the Durham VA Campus; and

To authorize the City Manager to make minor changes to the Memorandum of Understanding prior to execution, provided that the changes do not lessen the benefits to be provided to the City under the agreement.

A motion was made by Mayor Pro Tempore Clement seconded by Council Member Wagstaff to approve the item as printed on the agenda.

Tom Miller, representing the Watts Hospital-Hillandale Neighborhood Association, requested Council to delay making a decision on this item until the September 18, 2000 City Council Meeting. He stated that the Neighborhood Association needed additional time to meet with staff to look at the smaller version of the project, address traffic and taxation concerns. Also, he stated that he received a call about this agreement two weeks ago.

John Infantino, representing LCOR, spoke in support of project

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noting that LCOR will allow a 45-day review period for the City and staff to make comments, the project has been reduced to 650,000 square feet which came about as a result of meeting with the community group and staff, project will address the VA's concerns for more clinic and research space. He asked Council to move forward with this item tonight.

Council Members Stith and McKissick spoke in support of delaying this item.

Council Member Clement spoke in opposition to the delay.

Discussion was held by Council concerning delaying this item for one or two cycles, larger version of the project, position of neighborhood association and requests made by them for additional documentation.

SUBSTITUTE MOTION by Council Member Stith seconded by Council Member McKissick to delay this matter until the September 18, 2000 City Council Meeting **FAILED** at 8:23 p.m. by the following vote: Ayes: Council Members Edwards, Jacobs, Langley, McKissick, Stith and Wagstaff. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Hill and Larson. Absent: Council Members Blyth and Burnette.

SUBSTITUTE MOTION by Council Member McKissick seconded by Council Member Stith to delay this matter until the September 5, 2000 City Council Meeting **FAILED** at 8:25 p.m. by the following vote: Ayes: Council Members Edwards, Jacobs, Langley, McKissick, Stith and Wagstaff. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Hill and Larson. Absent: Council Members Blyth and Burnette.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Wagstaff to authorize the City Manager to execute the proposed Memorandum of Understanding between the City, the VA, and LCOR Inc. regarding development on the Durham VA Campus; and

To authorize the City Manager to make minor changes to the Memorandum of Understanding prior to execution, provided that the changes do not lessen the benefits to be provided to the City under the agreement was approved at 8:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, and Wagstaff. Noes: Council Members McKissick and Stith. Absent: Council Members Blyth and Burnette.

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SUBJECT: REPORT FROM THE MANAGER'S BICYCLE TASK FORCE

Nonna Skumanich, of 3413 Rugby Road, spoke in support of the item urging Council to direct staff to come up with plans to implement what's in the report.

Peter J. Schubert, of 927 Bluestone Road, spoke in support of the item urging Council to invest the limited funds to fully implement it.

MOTION by Council Member Larson seconded by Council Member Stith to receive the report from the Manager's Bicycle Task Force and to refer to the City Manager for a report [in two months] on recommended implementation plans was approved at 8:31 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Jacobs, Hill, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Members Blyth and Burnette.

SUBJECT: PROPOSED EMINENT DOMAIN PROCEEDING FOR ACQUISITION OF PROPERTY FOR THE REALIGNMENT OF CORCORAN STREET - RONNIE STURDIVANT - 200 NORTH CORCORAN STREET

To find that it is necessary, in the public interest and for the public use and benefit, to begin Eminent Domain proceedings for approximately 0.44 acres, property of Ronnie Sturdivant, 200 North Corcoran Street, Tax Map 030-03-001 and to authorize the City Attorney to initiate proceedings for that purpose, with a deposit into court of \$166,000 as the City's estimate of just compensation.

To authorize the expenditure of up to \$200,000 from the Foster Street/Corcoran Street Realignment Account.

Council Member Wagstaff informed her colleagues that Mr. Sturdivant had no knowledge that this item was on the agenda.

A motion was made by Council Member Wagstaff seconded by Council Member Langley to continue this item until the September 18, 2000 City Council Meeting.

Mayor Pro Tempore Clement made a friendly amendment to have this item placed on the September 11, 2000 Public Works Agenda.

Council Member Wagstaff accepted the friendly amendment.

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MOTION by Council Member Wagstaff seconded by Council Member Langley to continue this item to the September 18, 2000 City Council Meeting and to place this item on the Public Works agenda for September 11, 2000 was approved at 8:34 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Edwards, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: Mayor Tennyson and Council Members Cheek and Hill. Absent: Council Members Blyth and Burnette.

There being no further business to come before the City Council, the meeting was adjourned at 8:34 p.m.

D. Ann Gray, CMC
City Clerk

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